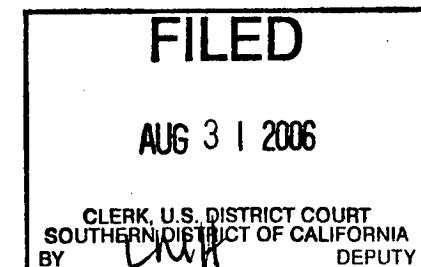


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11 Attorneys for Plaintiff  
 12 UNITED STATES OF AMERICA

13  
 14  
 15

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA *06CR1890-H*

UNITED STATES OF AMERICA, ) Magistrate Case No. 06MG1558  
 Plaintiff, )  
 v. )  
 MYRA LORENZA ESTRADA, )  
 Defendant. )  
 \_\_\_\_\_) STIPULATION OF FACT AND JOINT  
 MOTION FOR RELEASE OF  
 MATERIAL WITNESS(ES) AND  
 ORDER THEREON  
 \_\_\_\_\_) (Pre-Indictment Fast-Track Program)

16 IT IS HEREBY STIPULATED AND AGREED between the plaintiff, UNITED STATES  
 17 OF AMERICA, by and through its counsel, Carol C. Lam, United States Attorney, and Stacey H.  
 18 Sullivan, Assistant United States Attorney, and defendant MYRA LORENZA ESTRADA, by and  
 19 through and with the advice and consent of defense counsel, Kristen L. Churchill, Esq., that:

20 1. Defendant agrees to execute this stipulation on or before the first preliminary hearing  
 21 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,  
 22 intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead  
 23 guilty to the pre-indictment information charging defendant with a non-mandatory minimum count  
 24 of Bringing in Aliens Without Presentation and Aiding and Abetting, in violation of 8 U.S.C.  
 25 § 1324(a)(2)(B)(iii) and 18 U.S.C. § 2.

26 //  
 27 //  
 28 //

1           2. Defendant acknowledges receipt of a plea agreement in this case and agrees to  
2 provide the signed, original plea agreement to the Government not later than five business days  
3 before the disposition date set by the Court.

4           3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or  
5 before **September 20, 2006**.

6           4. The material witness, Juan Pablo Suarez-Gonzalez, in this case:  
7               a. Is an alien with no lawful right to enter or remain in the United States;  
8               b. Entered or attempted to enter the United States illegally on or about  
9               August 17, 2006;  
10              c. Was found in a vehicle driven by defendant at the Otay Mesa, California Port  
11             of Entry (POE) and that defendant knew or acted in reckless disregard of the fact that he was an  
12             alien with no lawful right to enter or remain in the United States;  
13              d. Was paying \$2,000 to others to be brought into the United States illegally  
14             and/or transported illegally to his destination therein; and,  
15              e. May be released and remanded immediately to the Department of Homeland  
16             Security for return to his country of origin.

17           5. After the material witnesses are ordered released by the Court pursuant to this  
18             stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any  
19             reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any  
20             proceeding, including, but not limited to, motion hearings, trial, sentencing, appeal or collateral  
21             attack, that:

22              a. The stipulated facts set forth in paragraph 4 above shall be admitted as  
23             substantive evidence;  
24              b. The United States may elicit hearsay testimony from arresting agents  
25             regarding any statements made by the material witness(es) provided in discovery, and such  
26             testimony shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements  
27             against interest of (an) unavailable witness(es); and,

1 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),  
2 “testimonial” hearsay statements are not admissible against a defendant unless defendant confronted  
3 and cross-examined the witness(es) who made the “testimonial” hearsay statements, defendant  
4 waives the right to confront and cross-examine the material witness(es) in this case.

5        6. By signing this stipulation and joint motion, defendant certifies that defendant has  
6 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
7 further that defendant has discussed the terms of this stipulation and joint motion with defense  
8 counsel and fully understands its meaning and effect.

9       Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
10 immediate release and remand of the above-named material witness(es) to the Department of  
11 Homeland Security for return to his country of origin.

12 It is STIPULATED AND AGREED this date.

Respectfully submitted,

CAROL C. LAM  
United States Attorney

16 Dated: 8/31/02.

STACEY H. SULLIVAN  
Assistant United States Attorney

18 Dated: 8-23-06

KRISTEN L. CHURCHILL  
Defense Counsel for Myra Lorenza Estrada

21 Dated: 8-23-06

MYRA LORENZA ESTRADA  
Defendant

28 Stipulation of Fact and Joint Motion for Release of  
Material Witness(es) And Order Thereon in  
United States v. Myra Lorenza Estrada

## ORDER

2 Upon joint application and motion of the parties, and for good cause shown,  
3 **THE STIPULATION** is admitted into evidence, and,  
4 **IT IS ORDERED** that the above-named material witness(es) be released and remanded  
5 forthwith to the Department of Homeland Security for return to his country of origin.

**SO ORDERED,**

Dated: 8/31/06

  
United States Magistrate Judge

## United States Magistrate Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
Plaintiff )  
vs. )  
Nyra Lorenza Estrada )  
Defendant(s) )

CRIMINAL NO. 100-10101 ORDER 06 mg 1558

ORDER

**RELEASING MATERIAL WITNESS**

Booking No. 59618198

Myra Lorenza Estrada

On order of the United States District/Magistrate Judge, **CATHY ANN BENCIVENGO**

IT IS HEREBY ORDERED that the following named person heretofore committed to the custody of the United States Marshal as a material witness be released from custody: (Bond Posted / Case Disposed / Order of Court).

Juan Pablo Suárez-González

DATED:

8/31/64

**CATHY ANN BENCIVENGO**

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UNITED STATES DISTRICT/MAGISTRATE JUDGE

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**RECEIVED** \_\_\_\_\_  
**DUSM**

OR

W. SAMUEL HAMRICK, JR. Clerk

by   
**Deputy Clerk**